IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 2829 **/2006** **Division Bench**

PETITIONER

Maulana Azad College of Education, Through Secretary, K.G. Ansari, S/o. Late Shri K.M. Ansari, aged about 82 years, R/o. 1 Akbar Khan Chaul, Opposite Mission Hospital, Bilaspur (C.G.)

Roll No. 2739/06 Presented by Shri Sunil Agrawal dated 29/05/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, School Education Department, D.K.S. Bhavan, Mantralaya, Raipur (C.G.)

RECEIVED-COPY BILASPUR 29/5/06

2. Director, State Education Research & Training Council, Shankar Nagar, Raipur, District – Raipur (C.G.)

3. Guru Ghashi Das University, Through Registrar, Bilaspur, District- Bilaspur (C.G.)

4. All India Society for Electronics, and Computer Technology Through: its Secretary S.K. Choubey S/O late J.N. Choubey, Aged About 51 years, Scope Campus, NH-2 Bhairompur Hoshangabad Road, Bhopal (M.P.)

WRIT PETITIONER UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC. OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER

138

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
(DIVISION BENCH)

CORAM: HON'BLE SHRI DHIRENDRA MISHRA, AND
HON'BLE SHRI SATISH KUMAR AGNIHOTRI, JJ

WRIT PETITION NO. 2829 OF 2006

Petitioner : Maulana Azad College of Education

VERSUS

Respondents : State of Chhattisgarh & others.

WRIT PETITION NO. 4911 OF 2006

Petitioner : G.D.R. Educational Society

VERSUS

Respondents : State of Chhattisgarh & others.

WRIT PETITION NO. 4242 OF 2006

Petitioner : C.G. Mahila Mahavidyalaya

VERSUS

Respondents : State of Chhattisgarh & others.

WRIT PETITION NO. 929 OF 2006

Petitioner : St. Thomas College

VERSUS

Respondents : State of Chhattisgarh & others.

WRIT PETITION NO. 951 OF 2006

Petitioner : Christ College, Jagdalpur

VERSUS

Respondents : State of Chhattisgarh & others.

(139)

WRIT PETITION NO. 952 OF 2006

Petitioner : St. Vincent Palloti College

VERSUS

Respondents : State of Chhattisgarh & others.

Present:- Mr. Sunil Otwani, Mr. Prafull Bharat and Mr. S.K. Thoman, learned counsel for the petitioner (s).
Mr. Vinay Harit, learned Dy. A.G., for the State/ respondents.
Mr. P.K. Verma, learned Sr. Advocate with Mr. Raghvendra Verma, Mr. Jitendra Pali and Mr. Gouree Shankar, learned counsel for other respondents.
Director, State Education Research and Training Council is present in person.

ORDER
(Passed on 10th January 2007)

The following order of the Court was passed by **Dhirendra Mishra, , J.**

The above petitions are being disposed of by this common order as learned counsel for appearing for the parties jointly submits that the facts and question of law involved in the present petitions are common,.

Mr. Vinay Harit, learned Dy. A.G. appearing for the State/ respondents on instructions from Director, State Education Research and Training Council states that the Government has decided to make necessary amendments in the prevalent law in the light of decisions rendered by the Hon'ble Supreme Court in the matters of **Dr. Pradeep Jain etc Vs. Union of India and others (AIR 1984 S.C. 1420), The Kerala Education Bill, 1957 (AIR 1958 S.C. 956), T.M.A. Pai Foundation and others Vs. State of**

(140)

Karnataka and others, (2002) 8 S.C.C. 481 and **P.A. Inamdar and others Vs. State of Maharashtra and others, (2005) 6 S.C.C. 537**. He submits that the all this exercise, in any case, will be completed before 31st March 2007.

In view of the submission made by Mr. Vinay Harit, learned Dy. A.G., learned counsel for the petitioners seek to withdraw their petitions with liberty to file afresh in case any cause of action survives. However, they submit that during pendency of these petitions effect and operation of the rules were stayed by this Court as a result of which the petitioners/institutions have admitted students in their institutions, therefore, interim order passed by this Court may be directed to continue till the amended rules are finally notified by the State Government.

Prayer made by learned counsel for the petitioners appears to be just and reasonable.

In view of submissions made by the parties, the instant petitions are disposed of with liberty to the petitioners to file appropriate proceedings available under the law if cause of action survives to them after withdrawal of their petitions and the interim order passed by this Court from time to time shall remain in force till the amended rules are notified by the State.

A copy of this order be placed on the record of the connected writ petitions.

Sd/-
Dhirendra Mishra
Judge

Sd/-
Satish K. Agnihotri
Judge